

## LET THE VOTERS DECIDE ON AUTOMATIC TICKETING CAMERAS

AN ACT Relating to automatic ticketing cameras; amending RCW 46.63.170 and 46.63.180; adding a new section to chapter 46.63 RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

### POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** For-profit camera surveillance is simply taxation-through-citation. The people intend to require the removal of automatic ticketing cameras that have not been approved by voters at an election. To remove the profit motive, automatic ticketing cameras fines must be limited.

### REQUIRES THE REMOVAL OF AUTOMATIC TICKETING CAMERAS NOT APPROVED BY VOTERS AT A GENERAL ELECTION

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63 RCW to read as follows:

All automatic ticketing cameras installed or in use on or after the date of passage of this measure must be removed no later than the effective date of this act unless the camera program was put to a public vote and it received the approval of a majority of voters at a general election in that jurisdiction. Any government and any for-profit company contracted by any government may not install or use automatic ticketing cameras to impose fines from camera surveillance unless such a system is approved by a majority vote of the people at a general election. Any government that is under contract to use automatic ticketing cameras must pay the agreed upon charges for the automatic ticketing cameras, unless that government can negotiate a settlement with the ticketing camera company, but they must stop issuing tickets no later than the effective date of this act. For the purposes of this chapter, "automatic ticketing

cameras" include red-light ticketing cameras, speed ticketing cameras, and all other for-profit ticketing camera surveillance which is a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, a speed measuring device, or a device that is affixed to a vehicle, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, exceeds a speed limit in a school speed zone as detected by a speed measuring device, or commits an infraction identified in RCW 46.61.370.

NEW SECTION. **Sec. 3.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of (~~((automated traffic safety))~~) automatic ticketing cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where (~~((automated traffic safety))~~) automatic ticketing cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of (~~((automated traffic safety))~~) automatic ticketing cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. (~~((Automated traffic safety))~~) Automatic ticketing cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; or speed violations subject to (c) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using (~~((automated traffic safety))~~) automatic ticketing cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after

June 7, 2012, cities and counties using ~~((automated traffic safety))~~ automatic ticketing cameras must post an annual report of the number of traffic accidents that occurred at each location where an ~~((automated traffic safety))~~ automatic ticketing camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the ~~((automated traffic safety))~~ automatic ticketing cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection, use of ~~((automated traffic safety))~~ automatic ticketing cameras is restricted to the following locations only: (i) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an ~~((automated traffic safety))~~ automatic ticketing camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such ~~((automated traffic safety))~~ automatic ticketing camera within its respective jurisdiction; and

(ii) The use and location of the ~~((automated traffic safety))~~ automatic ticketing camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) ~~((Automated traffic safety))~~ automatic ticketing cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an ~~((automated traffic safety))~~ automatic ticketing camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an ~~((automated traffic safety))~~ automatic ticketing camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an ~~((automated traffic safety))~~ automatic ticketing camera is used must be clearly marked at least

thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an (~~automated traffic safety~~) automatic ticketing camera. Signs placed in (~~automated traffic safety~~) automatic ticketing camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized (~~automated traffic safety~~) automatic ticketing camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of (~~automated traffic safety~~) automatic ticketing cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of (~~automated traffic safety~~) automatic ticketing cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an (~~automated traffic safety~~) automatic ticketing camera shall not exceed the amount of (~~a~~) the least expensive fine issued for other parking infractions within the jurisdiction. (~~However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.~~)

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice

to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, (~~("automated traffic safety")~~) automatic ticketing camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to (~~("automated traffic safety")~~) automatic

ticketing cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.

NEW SECTION.   **Sec. 3.**   RCW 46.63.180 and 2013 c 306 s 716 are each amended to read as follows:

(1) School districts may install and operate (~~((automated school bus safety))~~) automatic ticketing cameras on school buses to be used for the detection of violations of RCW 46.61.370(1) if the use of the cameras is approved by a vote of the school district board of directors. School districts are not required to take school buses out of service if the buses are not equipped with (~~((automated school bus safety))~~) automatic ticketing cameras or functional (~~((automated safety))~~) automatic ticketing cameras. Further, school districts shall be held harmless from and not liable for any criminal or civil liability arising under the provisions of this section.

(a) (~~((Automated school bus safety))~~) automatic ticketing cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(b) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (2)(a)(i) of this section. The law enforcement officer issuing the notice of infraction shall include a certificate or facsimile of the notice, based upon inspection of photographs, microphotographs, or electronic images produced by an (~~((automated school bus safety))~~) automatic ticketing camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an (~~((automated school bus safety))~~) automatic

ticketing camera may respond to the notice by mail.

(c) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (2) of this section. If appropriate under the circumstances, a renter identified under subsection (2)(a)(i) of this section is responsible for an infraction.

(d) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(e) If a school district installs and operates an (~~automated school bus safety~~) automatic ticketing camera under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment. Further, any repair, replacement, or administrative work costs related to installing or repairing (~~automated school bus safety~~) automatic ticketing cameras must be solely paid for by the manufacturer or vendor of the cameras. Before entering into a contract with the manufacturer or vendor of the equipment used under this subsection (1)(e), the school district must follow the competitive bid process as outlined in RCW 28A.335.190(1).

(f) Any revenue collected from infractions detected through the use of (~~automated school bus safety~~) automatic ticketing cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district using the (~~automated school bus~~

~~safety~~)) automatic ticketing cameras. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts. During the 2013-2015 fiscal biennium, the infraction revenue may also be used for school bus safety projects by those school districts eligible to apply for funding from the school zone safety account appropriation in section 201, chapter 306, Laws of 2013.

(2)(a) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(i) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred;

(ii) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection (2)(a)(ii) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(iii) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(b) Timely mailing of a statement under this subsection to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(3) For purposes of this section, (~~("automated school bus safety camera")~~) "automatic ticketing camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in RCW 46.61.370(1).

(4) The amount of the fine issued for an infraction generated through the use of an automatic ticketing camera shall not exceed the amount of the least expensive fine issued for other parking infractions within the jurisdiction.

#### **MISCELLANEOUS**

NEW SECTION.    **Sec. 4.**    The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION.    **Sec. 5.**    If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION.    **Sec. 6.**    This act is called the "Let the Voters Decide on Automatic Ticketing Cameras."

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